EMPLOYMENT EQUITY PROGRAM

A Strategy for Change for the 1990s

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Ministry of Energy, Mines and Petroleum Resources

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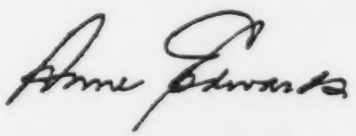
Even very young children understand what is fair. Our program to ensure that we have fairness in our hiring responds to a basic value which we are proud to espouse. We expect it will lead quickly to a better balance for all of us in our workplace.



Honourable Anne Edwards
Minister

A Strategy for Change for the 1990s

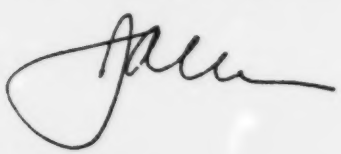
The Employment Equity Program
- ▲ *responds to demographic trends and human rights considerations,*
- ▲ *develops a workplace that values diversity, and*
- ▲ *provides equal access to opportunities for employment and promotion.*

I am very pleased to present to you the Ministry of Energy, Mines and Petroleum Resources Employment Equity Program: *A Strategy for Change for the 1990s.* Many new entrants to the labour force are women, visible minority people, persons with disabilities and Aboriginal people. In the future, the ministry will increasingly rely on employees from these groups to fulfill its mandate.

This program will challenge employees at all levels within the ministry over the next few years. Employment equity will remove barriers that may presently limit the participation of these groups within the ministry's workforce. This plan outlines the strategy for achieving the development of a skilled and diverse workforce capable of meeting the challenges facing the ministry in delivering its programs and services.

Staffing and recruitment policies, practices and procedures will be the focus of many initiatives to ensure barriers do not exist for designated group members. Remedial measures will be introduced to provide employment, development and training opportunities to members of the designated groups where they may have been disadvantaged in the past. Specific initiatives will effectively communicate employment equity concepts within the ministry and invite the active participation of staff at all levels. Women's issues will continue to be addressed as a vital component of the Employment Equity Program.

The time is right for employment equity in our ministry. Across the country, organizations and governments are moving quickly to ensure equity in employment, and the trend is toward legislated programs. However, in British Columbia, the government has decided to implement employment equity through policy, rather than legislation. This program will enable the ministry to compete for employees in an increasingly competitive labour market and benefit from the diverse range of skills, abilities and experience that these people bring to the workplace.



John Allan
Deputy Minister

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1. What is employment equity?

Employment equity means fairness to all current and potential employees.

Employment equity seeks to eliminate barriers that may have prevented some groups of people--specifically women, visible minority people, Aboriginal people, and persons with disabilities--from being either hired, trained or promoted in the past. However, the benefits of equity are not limited to these specific groups. Ensuring that recruitment and selection practices focus on the abilities of individuals will benefit all employees.

Has the ministry been unfair in the past?

Not necessarily, but elements of the staffing process may have had an unintentional discriminatory impact on the ability of groups to successfully obtain and retain employment in the past. For example, women may be concentrated in administrative services positions but under-represented in upper management and some technical positions. This workforce profile is likely the result of both the composition of the ministry's traditional supply pool and the presence of hidden systemic barriers. This situation is not unique to the ministry. Many organizations have a workforce profile that reflects these conditions.

What is a systemic barrier?

A systemic barrier is a practice or policy that on the surface may appear neutral, but in fact, may work to limit the participation of individuals from some groups. For example, the Canadian citizenship requirement in the Public Service Act was a systemic barrier and was recently the subject of a successful Supreme Court challenge. The court determined that while "the ability to work in Canada" is a *bona fide* job requirement, "citizenship" is not.

Are there other barriers?

Yes. There are many types of barriers that prevent members of some groups from having a fair chance at employment. In most cases, these barriers are unintentional, yet they unfairly screen out applicants from designated groups.

Attitudinal Barriers

Attitudinal barriers are the prejudicial biases and stereotypes which may be held by managers, supervisors, and co-workers. Attitudinal barriers effectively hinder applicants from designated groups from being successful in employment and advancement, and can negatively impact morale in the workplace.

Cultural Barriers

Cultural barriers result primarily from a mutual lack of understanding between people. These barriers may involve employees' lack of familiarity with the cultural values of the designated groups, or the designated groups' lack of familiarity with the cultural values of the public service. Certain actions may have a different meaning in one culture than in another. Where diversity is not appreciated, these cultural differences may prevent minorities from being hired, promoted or retained by the organization.

Informational Barriers

Informational barriers occur when the transfer of important information is limited to a specific network. For example, news of employment, training, special projects or promotions may not reach members of groups who are not already represented in the workplace.

Physical Barriers

Physical barriers primarily affect persons with disabilities. For instance, a workplace lacking wheelchair ramps, elevators and accessible washrooms, effectively prevents a person in a wheelchair from gaining or even seeking employment there.

2. Why is employment equity important?

It is the right thing to do.

The Canadian* Charter of Rights and Freedoms *and the British Columbia* Human Rights Act *recognize equality as a fundamental objective of our society.

Employment equity programs provide for the human rights of individuals by ensuring that employment practices are fair. Access to employment opportunities should be free of discrimination on the basis of gender, race, ethnicity, Aboriginal ancestry or unrelated disability.

Equality in employment does not mean that everyone should be treated the same way. Sometimes to ensure fairness, it is necessary to treat people differently, according to their own unique needs. Differing cultural values, Aboriginal heritage, gender and abilities are among the issues for consideration. In the future, organizations which are flexible will be able to attract the best people and will be the most successful.

Why are employment equity programs needed?

The legal protection in the *Charter of Rights and Freedoms* did not succeed in uprooting ingrained biases. In 1984, Judge Rosalie S. Abella headed the *Report of the Commission on Equality in Employment* which identified women, visible minority people, Aboriginal people, and persons with disabilities as being under-represented in most Canadian decision-making positions, and prevented from attaining these positions by systemic discrimination as well as other barriers.

The government of British Columbia is committed to equality of opportunity for all people in the province.

In British Columbia, employment equity is being implemented through policy rather than legislation. In December 1990, Cabinet approved an Employment Equity Program for the Public Service of British Columbia. The Employment Equity Program has the fundamental goal of ensuring that workplace practices do not limit an individual's or group's access to employment opportunities. The ministry will carry the message to industry clients, and is confident this program will lead to a more equitable workplace for everyone.

Employment equity is good business practice.

Many new entrants to the workforce will be women, visible minority people and Aboriginal people.

There is every likelihood that employers will experience a shortage of qualified people by the end of the 1990s. The baby boom generation, born in the post-World War II period, created a tremendous surplus of labour when the "boomers" entered the workforce. However, the decline in the birth rate following the "boom," coupled with the aging of the baby boom generation and current immigration rates, will lead to a shortage of new entrants to the workforce over the course of the next decade. The ministry will need to look to non-traditional groups to fill vacancies and ensure the work environment is welcoming to these new workers.

More women are entering and remaining in the labour force.

In 1966, women made up nearly one-third of the British Columbia labour force, but in 1990, women accounted for almost half. As well, increasing numbers of women with pre-school age children are working outside the home. In 1981, 42 percent of women with a child or children under the age of five participated in the labour force, but by 1990 the figure had leapt up to 62 percent. The perception that women of child-bearing age are likely to remain in the home with their children is being replaced by the reality that women with young children are staying in the labour force.

Immigration trends are changing.

Over the past twenty years, the nature of immigration to British Columbia has changed dramatically. In 1969, most immigrants were from either Europe or the United States. In 1989, the majority of immigrants to British Columbia were from Asia. In 1986, visible minority people made up 10.3 percent of the population of British Columbia, the highest per capita number for any province in Canada.

More Aboriginal people and persons with disabilities are entering the labour force.

As the decade progresses, increased levels of education, coupled with a young population, are expected to lead to a significant number of skilled Aboriginal people entering the labour force. More persons with disabilities are entering the labour force, and as the "baby boomers" approach retirement, more workers already in the labour force who are not currently disabled may develop some form of disability. To retain these skilled employees and fully utilize the pool of skilled persons with disabilities, many workplaces will need to be adapted and/or made accessible.

3. When will employment equity be achieved?

Employment equity will be achieved, over the long term, when no person is denied access to jobs, training or promotions, for reasons unrelated to ability.

Taking into account the ministry's mandate, staffing needs, turnover rate and the availability of qualified designated group members, the Employment Equity Program will:

- create a workplace which values diversity;
- identify and remove barriers to employment opportunities and advancement to members of the designated groups;
- introduce initiatives that will address current employment imbalances and disadvantages; and,
- result in representation of designated groups at all levels of the ministry.

How will the ministry know if its workforce reflects the community it serves?

A voluntary and confidential workforce profile will be conducted to identify the composition of British Columbia's Public Service. Employees will be asked to identify their membership in one or more of the designated groups. The information will be used for employment equity reporting purposes only, and will be maintained separately from employees' personnel files. The results will be compared with Statistics Canada labour force "availability" data, which identifies designated group representation in various occupational categories and geographical regions of the province. This workforce analysis will allow the ministry to assess where designated groups are under-represented, and focus the efforts toward achieving equitable representation.

Because the representation of designated groups in the supply pool will limit the ministry's ability to achieve a workforce that is representative of the population it serves, much of the ministry's employment equity effort will focus on enhancing the supply pool. These initiatives will involve community outreach activities, creating bridging positions, providing reasonable accommodations, ensuring only *bona fide* job requirements in recruitment activities, and many other initiatives.

Will quotas be used to increase the representation of the designated groups?

No. Mandatory quotas are not part of the employment equity initiative in British Columbia. However, should the workforce profile indicate under-representation of designated groups in specific occupations, detailed action plans will be developed to increase the representation of designated group members. These action plans will take into consideration ministry staffing requirements, the turnover rate and the availability of qualified designated group candidates within and outside government.

Will the ministry hire and promote unqualified people from the designated groups?

No. The ministry relies on a strong, highly skilled workforce to fulfill its mandate, and no one will be hired or promoted solely because they are a member of a designated group. However, steps will be taken to increase the number of qualified applicants from the designated groups. These steps may include outreach recruitment programs, training initiatives, bridging positions and the accommodation of specific needs due to disability, religious differences, gender, or personal circumstances.

What is reasonable accommodation?

Some people may need to be treated differently in order to achieve their potential at work. Reasonable accommodation involves balancing the requirements of the organization with the individual needs of employees. Recent Human Rights Council decisions have defined "reasonable" as measures that do not impose "undue hardship" on the organization.

What are remedial measures?

Remedial measures are programs designed to assist designated group members achieve equitable representation in the workforce. Examples of remedial measures include bridging positions, recruitment limited to certain groups and remedial training initiatives.

Isn't this reverse discrimination?

No. The Canadian *Charter of Rights and Freedoms* and the British Columbia *Human Rights Act* recognize equality as a fundamental objective of our society. This legislation also recognizes that in order to achieve equality it may be necessary to adopt remedial measures or programs to improve the conditions of groups which have been historically disadvantaged because of discrimination. Under this legislation, remedial measures or programs *do not* constitute reverse discrimination. To ensure that they will not result in undue hardship for the majority group, the British Columbia *Human Rights Act* requires that employers obtain approval from the B.C. Human Rights Council.

4. How will the ministry achieve employment equity?

Staffing and Recruitment

This Employment Equity Program will position the ministry to attract the best candidates from a wider pool of qualified individuals in an increasingly competitive environment.

The ministry is already experiencing a shortage of qualified applicants for some of the highly specialized positions in the Mineral and Energy Resources Divisions. The ministry will make every effort to enhance the supply of qualified candidates from the designated groups, attract them to employment opportunities and retain the talented people that are hired. To reach this objective the ministry will undertake specific initiatives to remove potential barriers to employment opportunities in staffing and recruitment practices, and provide educational opportunities to communicate the principles of employment equity to employees.

Community Outreach

Community outreach initiatives by staff will promote awareness among young people of the careers available in the ministry and in the energy, mining and petroleum sectors. School visits by staff will increase the awareness of school children about potential career choices and broaden their knowledge of non-traditional occupations.

Special Recruitment Strategies

Managers will be provided with guidelines to proactively market job opportunities to encourage applications from qualified women, visible minority people, persons with disabilities and Aboriginal people, for positions where they may have been under-represented in the past.

Bona Fide Job Requirements

Job requirements will be reviewed by managers during the job evaluation process to ensure that only requirements that have a real relationship to the job are included in the job description, posting, screening, testing, and interview components of the recruitment process.

This will help to remove artificial barriers to potential applicants and will contribute to the selection of candidates most capable of performing the job.

Staff Involvement

Managers will enhance the understanding of staff in the recruitment process by providing them with more information. The "mystery" surrounding competitions sometimes leads to speculation regarding the possible motives of the interview panel that may undermine the perceived fairness of the process.

Information for Job Applicants

Job applicants will be provided with information about the competition process to ensure the process itself does not form a barrier to employment. The competition process may be a new experience to some members of the designated groups, so information to assist all applicants through the process will be made available.

Interview Panels

Each interview panel needs to reflect differing values and perspectives. Individuals who are sensitive to gender issues and cross-cultural communications, or are familiar with various cultural and ethnic communities, the diverse capabilities of persons with disabilities, or the heritage of Aboriginal people can bring an added dimension to the selection process. Representation of different views on the panel can balance the attitudes of panel members who may orient to their own biases when assessing the abilities of applicants.

Panels will have representation of both women and men, and include a member of the other designated groups whenever appropriate. The contributions of these people will help to ensure the process is sensitive to the needs of the candidates and overcomes any potential communication difficulties.

Bridging Positions

Where a systemic or other barrier has consistently perpetuated the under-representation of members of the designated groups, the ministry may seek the approval of the B.C. Human Rights Council to create a time-limited bridging position. These temporary positions will remedy the effect of past employment disadvantages by providing valuable career development or employment opportunities to individuals from these groups. In positions where approval has been obtained, they will be clearly identified as opportunities for members of one or more of the designated groups.

Education and Awareness

Raising awareness of employment equity issues.

Managing Diversity

Seminars are being provided to managers with staffing and supervisory responsibilities, to challenge attitudes and beliefs about traditional management practices, and raise issues about working in a diverse workforce.

The goals of these seminars will be for managers to develop an understanding of:

- employment equity principles and a personal commitment to their implementation;
- current demographic trends and the opportunities diversity provides;
- barriers to employment, retention and career development opportunities;
- issues for managing and working in a diverse workplace; and,
- to identify strategies to facilitate change in the workplace as a means to remove barriers to employment equity.

Employment Equity Awareness

Awareness sessions began with the ministry's meetings about employment equity in the summer and fall of 1991. A series of seminars, workshops and videos will be conducted to increase the understanding of current and emerging employment equity issues among staff.

Workplace Preparation

Special awareness sessions may be conducted to sensitize and prepare members of the workplace for the entry or advancement of members of designated groups. Some people in the ministry may not have previously worked with women, visible minority people, persons with disabilities, or Aboriginal people, and may hold stereotypes or other misconceptions about what to expect from members of these groups. These awareness sessions will challenge traditional beliefs and provide an opportunity for staff to explore the benefits of working with people from diverse backgrounds.

New Employee Orientation

New employees will be made aware of the ministry's Employment Equity Program and their responsibilities with regard to acceptable workplace behaviour. (See the glossary for more information)

Employment Equity Newsletter

The Employment Equity Newsletter is being issued periodically to provide ministry staff with an update on ministry initiatives and an overview of current issues.

Policy and Program Updates

A general understanding of the employment equity policy and other human resources policies and programs will be promoted throughout the ministry so managers and staff are aware of the policy objectives and their related responsibilities.

Gender Neutral Language

Gender neutral language will be used in oral, written and visual communications to convey equal respect and recognition for all individuals.

We all share responsibility for equality in the workplace.

Management

Each individual manager or supervisor has the responsibility to ensure that people from under-represented groups are given equal access to employment and career advancement. Managers will incorporate the principles of employment equity into the business plans and operational practices of their organizational units. They will encourage the development of a workplace that values diversity and ensure that discriminatory practices do not exist. Management performance appraisals will include an assessment of their performance on employment equity.

Staff

Staff will treat other people in the workplace with respect and dignity and in accordance with the guidelines established for workplace behaviour.

Employment Equity Staff

The ministry has created the position of Employment Equity Advisor with an appropriate budget and co-op student support. The Advisor is a member of the ministry's Executive Committee and is responsible for developing and coordinating the Employment Equity Program.

5. How will results be monitored?

Workforce Profile

The ministry will participate in a government-wide workforce survey to assess the representation of members of designated groups at all levels in the organization. Employee participation in the survey will be voluntary, and responses will be confidential. Only summary level reports will be available, and data will be stored separately fom personnel files. Statistics are currently available by gender, but not for the representation of visible minority people, persons with disabilities and Aboriginal people. These statistics will facilitate assessment of the ministry's current performance, and monitor progress over time, toward an equitable workforce that reflects the diversity of the surrounding community.

Applicant Profile

The ministry will participate in the development of a government-wide system to determine the number of candidates from each of the designated groups who apply, are interviewed and are hired. Applicants will be asked whether they consider themselves a visible minority, person with a disability or an Aboriginal person. This information will be kept separate from the Personnel files and used to assess the effectiveness of the Employment Equity Program only. No individual responses will be reported.

This system will provide valuable data to evaluate the effectiveness of special recruitment strategies and the removal of barriers to employment. Fine tuning of the Employment Equity Program will be possible based on the information obtained.

Exit Survey

An exit survey will be developed to identify issues in job satisfaction and to determine if workplace harassment or barriers to advancement are a factor in employees' decisions to seek employment elsewhere.

Goal Setting and Monitoring

Goals are an integral part of the employment equity planning process. Goals are developed by comparing the representation of designated group members in an organization to a number of factors, including the external labour market supply, their proportion in the working population, and internal opportunities for change. With employment equity, it is recognized that change will occur gradually. There are two main reasons for this:

- many of the jobs in our organization are non-traditional occupations (engineering and geology) for members of the designated groups, so the pool of qualified candidates from designated groups is currently very small; and,
- turnover in the ministry is low, particularly in these specialized positions.

Although the change in representation of designated group members in the ministry will be gradual, it is important to set goals and monitor the change as it occurs. Managers are familiar with establishing goals to define progress toward objectives and will be able to monitor their progress on employment equity to ensure objectives are being achieved.

The merit principle will apply and the attainability of these goals will depend on the qualifications of the designated group members.

The goal setting exercise will allow managers to calculate the number of opportunities for employing a member of a designated group by considering the following factors:

- the existing representation of designated group members in the labour force by occupational category;
- the expected addition of new positions;
- promotions for current employees; and,
- general attrition in current positions, within the planning period.

The planning period would typically involve a five year time horizon. Goals may be updated by managers at any time to reflect changing circumstances, and ensure the goals are realistic.

Anecdotal Reports

Successes and disappointments will be equally valuable experiences in assessing the impact of the program and in developing future initiatives to provide optimal results.

6. Would you like more information?

Contact the ministry's Employment Equity Advisor:

Belinda McLaughlin
Employment Equity Advisor

Ministry of Energy, Mines and Petroleum Resources

2nd floor, 516 Michigan Street
Victoria, British Columbia, V8V 1X4
Phone: 387-4859
FAX: 356-0545

Glossary

barriers: obstacles which may prevent members of some groups from having a fair chance at employment. These barriers may be unintentional, but have the impact of restricting access to employment. Barriers may be attitudinal, cultural, informational, physical, or systemic. Some examples include:

- attitudinal barriers: bias and stereotyping by co-workers, supervisors and managers;
- cultural barriers: employees' lack of familiarity with cultural values of the designated groups, the groups' lack of familiarity with the cultural values of the public service;
- informational barriers: lack of information about opportunities for employment, training, special projects, promotions;
- physical barriers: workplaces, facilities, jobs and tools that may be obstacles for persons with disabilities; and,
- systemic barriers: employment policies, practices and systems which have an adverse impact on designated groups; for example, qualification statements requiring educational credentials without consideration given to equivalent combinations of education and experience.

***bona fide* job requirements:** skill, education and qualification statements that are based on actual job requirements. They are sometimes defined as requirements that are reasonably necessary for safe, efficient and reliable performance of the essential components of the job. In jobs where specific licensing is required for legal purposes, that licensing is considered a *bona fide* requirement. For example the professional engineering designation (P.Eng.) is needed for some engineering positions.

culture: includes language, beliefs, norms or standards, and traditions. An organizational culture includes the values, customs and traditions shared by members of the organization.

designated groups: groups which historically have been under-represented in the labour force, or concentrated in lower paying jobs. In the public service, employment equity will focus on these four groups:

- women: refers to all women, including those women from the designated groups below;
- Aboriginal people: the Status Indians, non-Status Indians, Inuit and Metis of Canada;
- persons with disabilities: individuals who, for employment purposes, consider themselves, or believe that a potential employer would likely consider them to be disadvantaged by reason of any persistent physical, mental, psychiatric, learning, or sensory impairment. Persons with disabilities may require reasonable accommodation in the workplace in order to secure and advance in employment; and,
- visible minority people: persons who are, because of their race or colour, in a visible minority in Canada.

employment equity: will exist in the public service when:

- the public service workforce is representative at all levels of the diverse population it serves; and,
- no individual is denied employment or advancement opportunities for reasons unrelated to ability to do the job;

It is accomplished by:

- creating a workplace which values diversity;
- identifying and removing barriers within the public service to the employment and

advancement of members of the designated groups; and,
- introducing initiatives that will address current employment imbalances and disadvantages.

equitable representation: occurs within a workplace when the composition of its workforce reflects the composition of the community it serves.

goals: an integral part of the employment equity planning process. Goals are developed by comparing the representation of designated group members in an organization to a number of factors, including their supply in the external labour market, their proportion in the labour force, and internal opportunities for change.

harassment: Practices, comments or suggestions making reference to sex, racial or ethnic origin or disability that injure, humiliate, insult or intimate, invade personal privacy, undermine job performance, or threaten economic livelihood.

labour force: according to Statistics Canada, the labour force refers to the population aged 15 to 64 years, excluding institutional residents, who were either employed or unemployed during the week prior to Census enumeration.

"Employed" includes those persons who, during the week prior to enumeration, did any work at all or were absent from work for any temporary reason.

"Unemployed" includes those persons who, during the week prior to enumeration, were without work, had looked for work in the last four weeks, and were available for work; or, had been on lay-off for 26 weeks or less and expected to return to their jobs; or, had definite arrangements to start work within four weeks.

pay equity: pay equity addresses the issue of the wage gap--the fact that full-time female earnings amount to approximately 67 percent of full-time male earnings. Pay equity provides for equal pay for work of equal value.

quotas: an externally imposed, inflexible number of designated group members to be hired or promoted in specific jobs or occupations.

reasonable accommodation: adjustments or provisions made in the work situation to address special needs arising from disabilities, cultural or gender differences. Reasonable accommodation may include such measures as redesigning job duties, allowing time off for differing religious holidays, providing specialized tools or equipment, modifying the workplace and upgrading facilities. These adjustments are limited to those which can be made without incurring undue hardship to the employer.

remedial measures: programs or practices which are designed to address, over a specified period of time, employment imbalances and disadvantages.

reverse discrimination: a claim sometimes made by members of a predominant group when they perceive that they are the victims, rather than the initiators of acts to exclude or restrict access to opportunities. Employment equity programs do not constitute reverse discrimination because candidates must meet entry-level job requirements. No unqualified people are hired solely because they belong to a

designated group. Preference is only given to designated group members when an extreme inequality exists between candidates. Section 15(2) of the Canadian *Charter of Rights and Freedoms* and Section 19(2) of the British Columbia *Human Rights Act* state that programs designed to ameliorate conditions of historic disadvantage are *not* considered discriminatory.

sexual harassment: vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome and shall include, but not be limited to:

- sexual solicitation, advance or inappropriate touching and sexual assault; or,
- a reprisal, or threat of reprisal, which might reasonably be perceived as placing a condition of a sexual nature on employment by a person in authority after such sexual solicitation or advance or inappropriate touching is rejected.

Sexual harassment may also include any unwelcome comment or behavior directed at an individual or group of individuals based on their gender or sexual orientation.

undue hardship: whether or not undue hardship is created by an accommodation is determined on a case by case basis and involves consideration of factors such as:

- financial costs;
- health and safety risks; and,
- whether the planned accommodation is in conflict with a collective agreement or negatively impacts the rights of other employees.

under-representation: the participation rate of the designated group in the workforce of a specific organization is lower than the external participation of the same group in the population.

workforce: the group of people employed by an organization, as opposed to the labour force which consists of working age individuals within the general population.

workplace behaviour: the conduct and language of public servants in the workplace are to meet acceptable social standards. Employees, in dealing with other persons in the workplace, are to treat them with respect and dignity and to refrain from exploiting a work relationship for private advantage or benefit. Employees are not to engage in sexual harassment or other forms of personal harassment to include:

- verbal abuse or threats;
- unwelcome remarks, jokes, innuendo or taunting about a person's body, attire, age, marital status, ethnic or religious origins;
- displaying offensive or derogatory pictures;
- practical jokes which cause awkwardness or embarrassment;
- unwelcome invitations or requests;
- leering or other gestures;
- condescension or paternalism which undermine self-respect; and
- unnecessary physical contact.

(*Personnel Policies and Procedures Manual*, Directive 1.3)

Relevant Legislation

The following excerpts of legislation relating to employment equity and human rights have been included for your information.

Constitution Act, 1981

35.(1) The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.
(2) In this Act, "Aboriginal peoples of Canada" includes the Indian, Inuit and Metis peoples of Canada.
(3) For greater certainty, in subsection **(1)** "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
(4) Notwithstanding any other provision of this Act, the Aboriginal and treaty rights referred to in subsection **(1)** are guaranteed equally to male and female persons.

Charter of Rights and Freedoms (1982)

Equality Rights

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Remedial Measures

15.(2) Subsection **(1)** does not preclude any law, program, or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Other important clauses:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including
(a) any rights or freedoms that have been recognized by the *Royal Proclamation of October 7, 1763*; and
(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Human Rights Act, 1984
(British Columbia)

8.(1) No person or anyone acting on his behalf shall
- **(a)** refuse to employ or refuse to continue to employ a person, or
- **(b)** discriminate against a person with respect to employment or any term or condition of employment, because of race, colour, ancestry, place of origin, political belief, religion, marital status, physical or mental disability, sex or age of that person or because of his conviction for a criminal or summary conviction charge that is unrelated to the employment or to the intended employment of that person.

19.(2) The council may approve any program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, and any approved program or activity shall be deemed not to be in contravention of this Act.

Employment Equity Act (1986)
(Government of Canada)

2. The purpose of this Act is to achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in fulfillment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

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